

1 Joseph R. Saveri (State Bar No. 130064)
2 Joshua P. Davis (State Bar No. 193254)
JOSEPH SAVERI LAW FIRM, INC.
505 Montgomery Street, Suite 625
3 San Francisco, California 94111
Telephone: (415) 500-6800
4 Facsimile: (415) 395-9940
jsaveri@saverilawfirm.com
5 jdavis@saverilawfirm.com
apurdy@saverilawfirm.com
6 mweiler@saverilawfirm.com
krayhill@saverilawfirm.com
7
Benjamin D. Brown (State Bar No. 202545)
8 Richard A. Koffman (*pro hac vice* pending)
COHEN MILSTEIN SELLERS & TOLL, PLLC
9 1100 New York Ave., N.W., Suite 500, East Tower
Washington, DC 20005
10 Telephone: (202) 408-4600
Facsimile: (202) 408 4699
11 bbrown@cohenmilstein.com
hhafiz@cohenmilstein.com
12 Eric L. Cramer (*pro hac vice*)
Michael Dell'Angelo (*pro hac vice*)
BERGER & MONTAGUE, P.C.
14 1622 Locust Street
Philadelphia, PA 19103
15 Telephone: (215) 875-3000
Facsimile: (215) 875-4604
16 ecramer@bm.net
mdellangelo@bm.net
17
Attorneys for Individual and Representative Plaintiffs
18 *Cung Le, Nathan Quarry, Jon Fitch, Luis Javier*
Vazquez, Dennis Lloyd Hallman, Brandon Vera, and
19 *Pablo Garza*

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Cung Le, Nathan Quarry, and Jon Fitch, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

Zuffa, LLC, d/b/a Ultimate Fighting
Championship and UFC,

Defendant.

Case No. 5:14-cv-05484-EJD
Case No. 5:14-cv-05591-EJD
Case No. 5:14-cv-05621-EJD

**ADMINISTRATIVE MOTION TO APPOINT
INTERIM CO-LEAD COUNSEL**

5:14-cv-05484-EJD
5:14-cv-05591-EJD
5:14-cv-05621-EJD

1 Luis Javier Vazquez and Dennis Lloyd Hallman,
2 on behalf of themselves and all others similarly
situated,

3 Plaintiffs,

4 v.

5 Zuffa, LLC, d/b/a Ultimate Fighting
6 Championship and UFC,

7 Defendant.

8 Brandon Vera and Pablo Garza, on behalf of
9 themselves and all others similarly situated,

10 Plaintiffs,

11 v.

12 Zuffa, LLC, d/b/a Ultimate Fighting
13 Championship and UFC,

14 Defendant.

15 Plaintiffs Cung Le, Nathan Quarry, Jon Fitch, Luis Javier Vazquez, Dennis Lloyd Hallman,
16 Brandon Vera, and Pablo Garza (“Plaintiffs”) respectfully submit this Administrative Motion to Appoint
17 Interim Co-Lead Counsel pursuant to Local Rule 7-11 and under Fed. R. Civ. P. 23(g).

18 Plaintiffs propose, subject to the Court’s approval, that the law firms of Berger & Montague, P.C.;
19 Cohen Milstein Sellers & Toll PLLC; and the Joseph Saveri Law Firm, Inc. be appointed as Plaintiffs’
20 Interim Co-Lead Class Counsel. As described in further detail below, these firms have the necessary
21 experience and resources to prosecute this litigation to a successful conclusion, as detailed in the
22 accompanying declaration of Joseph R. Saveri. They have investigated the underlying facts and law, filed
23 the first cases and diligently prosecuted the litigation to date. They have demonstrated the ability to work
24 cooperatively with others, and intend to implement protocols to ensure the efficient, non-duplicative and
cost-effective prosecution of this matter. Accordingly, Plaintiffs’ respectfully request the entry of the
accompanying proposed order.

25 **Berger & Montague, P.C.**

26 Described by *Chambers & Partners* as a “[b]outique firm with deep expertise in complex antitrust
27 litigation,” Berger & Montague pioneered the antitrust class action and has been engaged in the practice
28 of complex and class action litigation for 44 years. Since its founding, Berger & Montague has won

1 verdicts and settlements recovering over \$30 billion for clients and class members.

2 The U.S. edition of *The Legal 500* has recommended Berger & Montague as a “Top Tier Firm”
 3 for representing plaintiffs in antitrust class action litigation and describes the firm as “excellent,” “easy
 4 to deal with,” and “noted for the depth of its team.” Berger & Montague has also appeared on *The*
 5 *National Law Journal’s* “Hot List” of the Top Plaintiffs’ Law Firms in the United States in ten of the
 6 last twelve years. *Chambers & Partners* has named Berger & Montague a leading antitrust law firm for
 7 eight consecutive years. The firm was also recently selected for inclusion on *The National Law Journal*
 8 and Law.com’s inaugural list of “Elite Trial Lawyers” recognizing law firms that “have done exemplary
 9 and cutting-edge work on behalf of their clients and are established leaders in the area of plaintiff law.”

10 Over the past 44 years, Berger & Montague has served as lead or co-lead counsel in myriad
 11 antitrust cases representing plaintiff classes alleging price fixing, vertical trade restraints, monopolization
 12 and other anticompetitive conduct in diverse markets.

13 **Eric L. Cramer**, managing shareholder at Berger & Montague, has a national practice in the field
 14 of complex litigation, primarily in the area of antitrust class actions, and repeatedly has been selected by
 15 *Chambers & Partners* as one of Pennsylvania’s top tier antitrust lawyers; highlighted annually since 2011
 16 by *The Legal 500* as one of the country’s top lawyers in the field of complex antitrust litigation; repeatedly
 17 deemed one of the “Best Lawyers in America;” and designated a “Super Lawyer” by *Philadelphia*
 18 *Magazine* for many years in a row. In 2014, Mr. Cramer was selected by *Philadelphia Magazine* as one of
 19 the top 100 lawyers in Philadelphia. *Chambers & Partners* has observed that Mr. Cramer is “really a
 20 tremendous advocate in the courtroom, with a very good mind and presence.”

21 Mr. Cramer has prosecuted multiple complex antitrust matters and is responsible for winning
 22 numerous significant settlements for his clients and class members totaling well over \$2 billion. Recently,
 23 Mr. Cramer and his team achieved a ground-breaking settlement in an antitrust case relating to the over-
 24 the-road fleet payment card market in *Comdata*. The *Comdata* settlement, which received final approval
 25 in July 2014, provides for \$130 million plus valuable prospective relief that rolled back much of the
 26 conduct plaintiffs had challenged as anticompetitive for a class including thousands of truck stops and
 27 retail fueling facilities across the country. Mr. Cramer was also co-lead counsel and on the trial team of
 28 the *Meijer v. Abbott Labs.*, No. 07-5985 (N.D. Cal.), which settled in 2011 for \$52 million.

In addition to Mr. Cramer, shareholder **Michael Dell'Angelo** will also serve in a leading role for Berger & Montague. Michael Dell'Angelo is a member of the firm's Antitrust and Commodities & Options practice groups. Mr. Dell'Angelo currently serves as court-appointed co-lead counsel in several major nationwide class actions, including *In re: Domestic Drywall Antitrust Litigation*, 2:13-MD-2437-MMB (E.D. Pa.) and *In re: Commodity Exchange, Inc., Gold Futures And Options Trading Litigation*, 1:14-MD-2548-VEC (S.D.N.Y.).

Cohen Milstein Sellers & Toll PLLC

One of the largest class action firms in the country, Cohen Milstein has more than 40 years' experience litigating complex antitrust matters. In recognition for the outstanding results achieved for its clients, *Legal 500* recently ranked Cohen Milstein as a Leading Plaintiff Class Action Antitrust Firm for the sixth year in a row, and *The National Law Journal* named Cohen Milstein to the Plaintiff's Hot List for the third year in a row. Deemed one of the "Most Feared Plaintiffs Firms" and "Competition Practice Group of the Year" in 2014 by *Law360*, Cohen Milstein has obtained record-setting results for its clients in several antitrust actions over the years, including a 2013 jury verdict of more than \$400 million, before trebling, in *In re Urethane Antitrust Litigation* (D. Kan.). See, Saveri Decl., Ex. B.

Cohen Milstein partners **Benjamin Brown** and **Richard Koffman**, both of whom will actively participate in the litigation of this matter, are both veterans of the Antitrust Division of the U.S. Department of Justice and of the plaintiffs' class action antitrust bar. *Legal 500* named Mr. Koffman one of a dozen or so "Leading Lawyers" in the field of antitrust plaintiff representation for each of the past four years, describing him as "a strong brief writer and an excellent oral advocate." A graduate of Yale Law School and former law clerk to Judge Anthony J. Scirica of the U.S. Court of Appeals for the Third Circuit and Judge James B. McMillan of the Western District of North Carolina, Mr. Koffman has served as lead counsel for the direct purchasers in numerous actions including *In re Urethane Antitrust Litigation* (D. Kan.) (settlements totaling \$139.5 million and a trial verdict awarding plaintiffs more than \$400 million, trebled, against a non-settling defendant), *In re Plasma-Derivative Protein Therapies Antitrust Litigation* (N.D. Ill.) (settled for \$128 million), and *Wallach v. Eaton Corporation* (D. Del.). In addition to his work on behalf of plaintiffs in antitrust matters, Mr. Koffman spent four years as a Senior Trial Attorney at the Department of Justice.

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1 *The Legal 500* has recognized Benjamin Brown as one of the nation's leading class action antitrust
 2 attorneys, and Benchmark Litigation listed him as one of Washington D.C.'s "Leading Star" Plaintiffs'
 3 Litigators. Mr. Brown currently serves as co-lead counsel or on steering committees for plaintiffs in,
 4 among other cases, *In re Plasma-Derivative Protein Therapies Antitrust Litigation* (N.D. Ill.) (settled for
 5 \$128 million); *Allen, et al. v. Dairy Farmers of America, Inc.* (D. Vt.); *In Re Puerto Rican Cabotage Antitrust*
 6 *Litigation* (S.D. Fla.); and *Carlin, et al. v. DairyAmerica, Inc.* (E.D. Ca.). Mr. Brown served for four years
 7 as a trial attorney with the Antitrust Division of the United States Department of Justice, where he led
 8 and assisted in numerous investigations, litigations and trials involving anticompetitive conduct and
 9 mergers. Mr. Brown also prosecuted criminal cases as a Special Assistant United States Attorney in the
 10 Eastern District of Virginia. Prior to joining the Department of Justice, he was in private practice with
 11 Covington & Burling in Washington, D.C. Mr. Brown served as a judicial law clerk for Chief Judge Juan
 12 R. Torruella of the U.S. Court of Appeals for the First Circuit. Mr. Brown graduated *cum laude* from
 13 Harvard Law School and Phi Beta Kappa from the University of Wisconsin – Madison.

14 **Joseph Saveri Law Firm, Inc.**

15 Since its founding in 2012, the Joseph Saveri Law Firm, Inc. ("JSLF") has developed a track
 16 record of successful advocacy through prosecuting complex civil cases and antitrust class action cases in
 17 federal and state courts throughout the United States on its clients' behalf. Over the last two years, JSLF
 18 has produced settlements totaling over \$615 million in antitrust class action cases.¹

19 **Joseph R. Saveri**, the firm's founder, has more than 25 years of professional and leadership
 20 experience in litigating numerous antitrust claims on behalf of businesses, entrepreneurs, individuals,
 21 consumers, and public officials negatively affected by price-fixing, cartel behavior, monopolies and other
 22 anticompetitive business practices.² Additionally, JSLF team members have significant sports law
 23 experience, including representing athletes and professional sports franchises. *See* Saveri Decl., Ex. C. In

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 26 ¹ *See* Joseph Saveri Law Firm profile, Saveri Decl., Ex. C. In 2013 and 2014, the Joseph Saveri Law Firm
 27 was recognized as a "Best Law firm" by U.S. News and World Report. *Id.*

28 ² Mr. Saveri is an AV peer-rated attorney who was recognized as a top-ranked attorney by Chambers
 USA in 2014, and has been recognized as a Northern California Super Lawyer from 2006 to 2014. *See id.*,
 Ex. C.

1 1992, Mr. Saveri joined the plaintiffs' firm that would eventually become Lieff, Cabraser, Heimann &
 2 Bernstein ("Lieff"), where he founded the firm's Antitrust and Intellectual Property Practice Group. Mr.
 3 Saveri chaired this award-winning practice group for his entire tenure at Lieff, and under his direction, it
 4 obtained over \$4 billion in settlements through prosecuting various novel and landmark antitrust class
 5 actions.

6 Since founding JSLF, Mr. Saveri has served and continues to serve in leadership positions through
 7 the firm's appointment in a number of significant antitrust class actions:

- 8 • ***In re Titanium Dioxide Antitrust Litigation, Case No. 10-cv-00318-RDB (D. Md.)***: JSLF
 9 served as Co-Lead Counsel with Gold Bennett, representing the titanium dioxide direct
 10 purchaser class in prosecuting their price-fixing against manufacturers. Mr. Saveri was
 responsible for directing and conducting all phases of the litigation and trial preparation. The
 case settled on the day before the start of trial, with the complete settlement ultimately totaling
 \$163.5 million.
- 11 • ***In re High-Tech Employee Antitrust Litigation, Case No. 11-cv-2509 (N.D. Cal.)***: JSLF
 12 currently serves as one of the Lead Counsel for a class of high-tech employees denied job
 opportunities by defendants' unlawful agreements to not recruit or hire each other's employees.
 13 Mr. Saveri's tireless prosecution of this case has been profiled throughout the media (Wall
 Street Journal, New York Times, Wired, CBS Evening News, etc.) over the last four years. Mr.
 14 Saveri investigated and initiated the litigation and has been responsible for all phases of this
 litigation, in which many of the most powerful companies in Silicon Valley were named as
 15 defendants. In 2013, three defendants settled for \$20 million, and in January 2015 the
 remaining defendants (Adobe, Apple, Google, and Intel) agreed to settle for \$415 million.
- 16 • ***In re Capacitors Antitrust Litigation Case No. 14-cv-03264 (N.D. Cal.)***: JSLF has been
 17 appointed Interim Lead Class Counsel representing a class of direct purchasers of capacitors
 18 used in electronic devices. Plaintiffs allege that Defendants formed a cartel and conspired to fix,
 raise and stabilize prices in the multi-billion dollar market for aluminum, tantalum, and film
 capacitors.
- 19 • ***In re Lidoderm Antitrust Litigation, Case No. 14-md-02521-WHO (N.D. Cal.)***: Mr. Saveri
 20 serves as Court-appointed Liaison Counsel for the Indirect Purchaser Plaintiffs in this case, who
 21 allege violation of state law antitrust claims by pharmaceutical companies that entered a reverse
 payment settlement agreement relating to patent infringement litigation over the local analgesic
 drug Lidoderm.

22 Plaintiffs have consulted with counsel for Defendant Zuffa, LLC, d/b/a Ultimate Fighting
 23 Championship and UFC regarding this Administrative Motion. Saveri Declaration, ¶ 6. Defendant has
 24 advised it takes no position as to this Administrative Motion. Saveri Declaration, ¶ 6.

1 Dated: February 3, 2015

JOSEPH SAVERI LAW FIRM, INC.

2 By: /s/ Joseph R. Saveri
3 Joseph R. Saveri

4 Joseph R. Saveri (State Bar No. 130064)
5 Joshua P. Davis (State Bar No. 193254)
6 Andrew M. Purdy (State Bar No. 261912)
7 Matthew S. Weiler (State Bar No. 236052)
8 Kevin E. Rayhill (State Bar No. 267496)
9 JOSEPH SAVERI LAW FIRM, INC.
10 505 Montgomery Street, Suite 625
11 San Francisco, California 94111
12 Telephone: (415) 500-6800
13 Facsimile: (415) 395-9940
14 jsaveri@saverilawfirm.com
15 jdavis@saverilawfirm.com
16 apurdy@saverilawfirm.com
17 mweiler@saverilawfirm.com
krayhill@saverilawfirm.com

18 Robert C. Maysey (State Bar No. 205769)
19 Jerome K. Elwell (*pro hac vice*)
20 WARNER ANGLE HALLAM JACKSON &
21 FORMANEK PLC
22 2555 E. Camelback Road, Suite 800
23 Phoenix, AZ 85016
24 Telephone: (602) 264-7101
25 Facsimile: (602) 234-0419
26 rmaysey@warnerangle.com
jelwell@warnerangle.com

27 Benjamin D. Brown (State Bar No. 202545)
28 Richard A. Koffman (*pro hac vice* pending)
Hiba Hafiz (*pro hac vice* pending)
COHEN MILSTEIN SELLERS & TOLL, PLLC
1100 New York Ave., N.W., Suite 500, East Tower
Washington, DC 20005
Telephone: (202) 408-4600
Facsimile: (202) 408 4699
bbrown@cohenmilstein.com
hhafiz@cohenmilstein.com

Eric L. Cramer (*pro hac vice*)
Michael Dell'Angelo (*pro hac vice*)
Patrick Madden (*pro hac vice*)
BERGER & MONTAGUE, P.C.
1622 Locust Street
Philadelphia, PA 19103
Telephone: (215) 875-3000
Facsimile: (215) 875-4604
ecramer@bm.net
mdellangelo@bm.net
pmadden@bm.net

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Frederick S. Schwartz (State Bar No. 145351)
LAW OFFICE OF FREDERICK S. SCHWARTZ
15303 Ventura Boulevard, #1040
Sherman Oaks, CA 91403
Telephone: (818) 986-2407
Facsimile: (818) 995-4124
fred@fredschwartzlaw.com

*Attorneys for Individual and Representative Plaintiffs
Cung Le, Nathan Quarry and Jon Fitch, Luis Javier
Vazquez, Dennis Lloyd Hallman, Brandon Vera and
Pablo Garza*

Pursuant to Local Rule 5.1(i)(3), I attest that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Dated: February 3, 2015

By: /s/ Joseph R. Saveri
Joseph R. Saveri